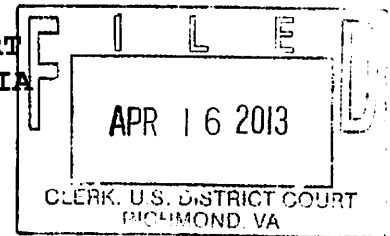


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



BENJAMIN S. GREENE, et al.,

Plaintiffs,

v.

Civil Action No. 3:12cv780

LVN CORPORATION,

Defendant.

MEMORANDUM OPINION

This matter is before the Court on Plaintiffs Benjamin and Barbara Greene's (collectively, the "Greenes") MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY (Docket No. 30). For the reasons set forth herein, the motion will be denied.

BACKGROUND

On March 25, 2013, the Greenes filed a Motion for Leave to File Supplemental Authority asking this Court to take into consideration Virginia Dent v. Suntrust Mortgage, et al., No. CL12-0163, from the Circuit Court of Caroline County, Virginia. The case, according to the Greenes, "overruled a demurrer on issues similar to the issues before this Court on the motion to dismiss in this case." Mot. for Leave at 1. Apparently, the circuit court will circulate its opinion in the near future, and the Greenes ask this Court to delay issuing its opinion on the

pending Motion to Dismiss, ECF No. 15, until it considers Virginia Dent.

DISCUSSION

This Court has granted Defendant LNV Corporation's ("LNV") Motion to Dismiss. Its decision is grounded exclusively on Article III standing and does not address whether the Greenes have alleged sufficient facts on which to base a claim for which relief can be granted. The Caroline County Circuit Court's opinion would be uninformative as to constitutional standing since the doctrine is inapplicable to Virginia state courts. Because this Court has granted LNV's motion solely on standing grounds, the Greenes' motion for leave is moot.

CONCLUSION

For these reasons, the MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY (Docket No. 30) will be denied.

It is so ORDERED.

_____/s/ *REP*_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: April 16, 2013